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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,526	10/25/2006	Charles A. Baldwin	FER-15972.001	4524
7609 7590 08/27/2009 RANKIN, HILL, & CLARK LLP 23755 Lorain Road - Suite 200 North Olmsted, OH 44070-2224				
EXAMINER				
BRUNSMAN, DAVID M				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
08/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,526

Applicant(s)

BALDWIN ET AL.

Examiner

David M. Brunsmann

Art Unit

1793

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 14-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 5, 8-13 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 14-16, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2004/0018932.

The reference teaches a porcelain enamel glass frit composition having a metallic appearance comprising component oxides in amounts that fall within the scope of the instant claims. See paragraph [0055].

[0055] The mixture was blended to provide a substantially uniform mixture, smelted at 1,200.degree. C. to provide a melt; and rapidly cooled, i.e., quenched, to provide a glassy frit. The glassy frit was analyzed and found to contain an oxide composition as follows in weight percent.

1 1.2% NiO; 4.9% MnO.sub.2; 9.5% TiO.sub.2; 0.5% CuO; 0.2% CoO; 0.8% Fe.sub.2O.sub.3; 6.8% Na.sub.2O; 0.4% Al.sub.2O.sub.3; 46.9% SiO.sub.2; 11.1% K.sub.2O; 13.6% B.sub.2O.sub.3; 3.1% F; and 1.0% P.sub.2O.sub.5.

The porcelain enamels formed are useful as a coating layer on appliances. See paragraph [0007]. With respect to claim 14, the frit taught in paragraph [0055] anticipates the compositions of both the first frit and the clear/semi-opaque frit recited in claim 14. As the patented frit anticipates both the first and the second frit, it is indistinguishable from a mixture of two frits having the same composition in a ratio of 1:1 to 9:1, as recited in claim 15.

Claims 1-4, 6, 7, 14-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3556821.

The reference teaches formation of a porcelain enamel glass frit for coating appliances comprising component oxides in amounts that fall within the scope of the instant claims. See Table IV. The porcelain enamel glass frits are combined with various mill additions (including clay, for example) to prepare them for use. With respect to claim 14, the frit taught in Table IV anticipates the compositions of both the first frit and the clear/semi-opaque frit recited in claim 14. As the patented frit anticipates both the first and the second frit, it is indistinguishable from a mixture of two frits having the same composition in a ratio of 1:1 to 9:1, as recited in claim 15.

Claims 5, 8-13 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to teach or suggest the additions of the particular oxide pigments of claim 5 to the porcelain enamel frits of claim 1; the addition of the particular titanium opacified frits of claim 8 to the porcelain enamel frits of claim 1; the addition of the particular luster frits of claims 13 and 17 to the porcelain enamel frits of instant claims 1 and 15

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Brunsman whose telephone number is 571-272-1365. The examiner can normally be reached on M, Th, F, Sa; 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David M Brunsman/
Primary Examiner, Art Unit 1793

DMB